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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\* \* \* \* \*  
In the matter of the PATENT application of

Joint Inventor Nenad Krtolica  
Joint Inventor Dalibor Kukoleca

Title STANDARD BASED FIREWALL ADAPTER  
FOR COMMUNICATION SYSTEMS AND METHOD

Ser.No. 10\676,174  
Filed October 2, 2003

Patent Examiner Ellen C. Tran  
Art Unit 2134  
(571) 272-3842

\* \* \* \* \*

Commissioner for Patents  
Washington D.C. 20231

April 19, 2007

FIRST RESPONSE  
by way of  
DECLARATION  
UNDER 37 CFR 1.131

Sir;

## STATUS

Claims 1-20 of this application stand rejected under 35 USC 102(e) because the invention was described in the United States application of another before the filing date by the applicants. The Xie application (US-2004/0059942 A1) was filed on September 20, 2002 (thirteen months before applicants' filing date) and published on March 25, 2004 (five months after applicants' filing date).

## SUMMARY OF FACTS

Early in 2002, prior to the filing date of Xie, applicants conceived and developed a working prototype of the computer program for their Firewall Adapter invention. Applicants conferred with patent counsel concerning the working prototype. During the summer of 2002 applicants' employer underwent a corporate reorganization from VivoCom LLC to Adriacom LLC. This eight-month period of change in corporate structure and

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refinancing coincided with the bursting of the "Dot Com Bubble of 2000", and slowed development of the final production computer program. During this reorganization period applicants reformated the code, and enhanced the voice/video (real time) and transport communication protocol (TCP) features of their Firewall Adapter invention. The first production computer program was completed during the summer of 2003, just prior to filing this patent application.

#### DECLARATIONS

Applicants, Nenad Krtolica and Dalibor Kukoleca, submit declarations herewith in support of this early 2002 effort. The two declarations make reference to the following Exhibits:

Exhibit A - Claim Outline - footer date June 3, 2002. This claim outline (electro-static copy) shows keywords for 17 claims on the early 2002 working prototype. The June 2002 claim outline was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

Exhibit B - Rough Draft Claims 1-17 - footer date June 3, 2002. These claims (electro-static copy) are the 17 claims noted in Exhibit A claim outline. The June 2002 claims were printed on pink paper stock, which has introduced a light gray background into the copy presented herewith. The longhand notes appearing in the margins of these sheets and in the text of the claims, were the product of post 03 June 2002 work sessions during the reorganization period.

Exhibit C - Debit for Services - dated June 3, 2002. This debit (electro-static copy) indicates under the entry "Viv 12 FW.Adr - Firewall Adaptor - Patent Application" that applicants' patent attorney, Paul Hentzel, prepared the claim outline noted in Exhibit A

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claim outline, edited claims noted in Exhibit B rough draft of the claims, and performed other patent application preparation actions between 09 May 2002 and 03 June 2002.

Exhibit D - Rough Draft of Written Description - footer date June 12, 2002. Exhibit D is rough draft of the supporting written description for the claims in Exhibit B rough draft of the claims. The longhand notes appearing in the margins of these sheets and in the text of the written description, were the product of post 03 June 2002 work sessions during the reorganization period.

Exhibit E - Claim Outline - footer date July 21, 2003. This claim outline (electro-static copy) shows keywords for 19 claims of the 20 claims in applicants' filed application. The keywords of claims 1-5 of the later July 2003 outline (Exhibit E) are identical to the keywords of claims 1-5 of the earlier June 2002 prototype outline (Exhibit A). The keywords of claims 8-19 of the later July 2003 outline are identical to the keywords of claims 6-17 of the earlier June 2002 prototype outline. Claims 6 and 7 of the later July 2003 outline concern the TCP and voice and video embodiments developed during the reorganization period. The later July 2003 outline of these 19 claims was printed on goldenrod paper stock, which has introduced a light gray background into the copy presented herewith.

#### CONCLUSION

In view of the foregoing, applicants urge the Examiner to withdraw the 102(e) Xie rejection and allow applicants' claims 1-20.

enc.

2 Declarations  
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Respectfully Submitted

  
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April 19, 2007  
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